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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,895	03/05/2001	Peter William De la Marche	7399-2	7146

7590 03/15/2004

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EXAMINER

NGUYEN, CHI Q

ART UNIT PAPER NUMBER

3635

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/720,895

Applicant(s) *SW*

DE LA MARCHE, PETER WILLIA

Examiner

Chi Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-36 and 44-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-36 and 44-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This Office action is in response to the applicant's amendment filed on 12/15/03.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/15/03 has been entered.

The previous indication of allowable subject matter has been withdrawn.

#### ***Specification***

The disclosure is objected to because of the following informalities: headings are missing. Appropriate correction is required.

#### ***Claim Objections***

Claim 23 is objected to because it no clear that what module is the applicant referred to (building or service module)? Clarification is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 23, 25, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Antoniou ('666).

Antoniou teaches a service module 15 that defines a plurality of connection nodes (71 in fig. 1), the service module contains an apparatus 36 for the supply and distribution of at least one main service (the lines running through/under 36), and the service module is in the form of a corridor walkway that links building modules 24. Each module is an open-ended box configuration (fig. 1); there can be a plurality of service modules in transverse directions because large building structures have supply lines that extend in all directions throughout the structure. The main service can include heating systems, telephone cables, television, radio, other communication system, water, sewer, air conditioning and other utilities (col. 1, lines 26-29).

A site is prepared in which the building is located, a service module is installed on the site, at least one main supply is installed to the service module, a building module 23 is connected to a connection node (lowermost to the right) and the building module is connected to the main supply service way of 17.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24, 28-31, 35-36, 48, and 50-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Antoniou ('666).

Antoniou teaches a system as stated above, but without cavities in the floor of the service module for supply lines to be routed. Fig. 2 depicts the service module and supply lines that are fed through the module, some lines are provided in cavities of the ceiling of the module, and others are brought further down because of lack of space in the ceiling. It would have been obvious to one having ordinary skill in the art at the time the invention was made to extend some lines further down so as to run them through cavities of the module at the floor, since this provide additional space for supply lines that may be lacking at the top of the module.

Antoniou does not specifically state that there is a holding tank with the waste disposal service or a heat exchanger and external pump with the air conditioning system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a holding tank with the waste system and a heat exchanger and external pump with the air conditioning system, since holding tanks and heat exchangers and pumps are commonly associated with waste line systems and air conditioning system, respectively. The tank allows for increased capacity of the system and the exchanger and ump aid in maintaining the proper function of the system.

With regard to method claims 35-36, Antoniou teaches the structural elements for the module building and service module as stated except for the method of assembly; examiner considers this to be the obvious method of setting up applicant's device because in constructing a building, one must obviously define a construction site where the module building would located, position the building module along with service

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module, connect the modules and fill up the gap or clearance between modules and ground to have a stronger support between modules.

Claims 32, 33, 44, 45, 46, 47, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Antoniou ('666) in view of van der Lely ('327).

Antoniou teaches a system with multiple stories, but does not disclose the precise way by which the modules are connected. Van der Lely teaches a connection system for building modules including an aperture 126, 127 in each building module, and a fixing element 29 that is secured to the adjacent module. The modules are vertically adjacent, there is an access chamber that is open to the inside of the module (at 128, 129), and the apparatus is in the floor or ceiling of the modules. However, Van der Lely does not disclose a grommet that is flexible and resilient and that is attached to the adjacent module, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use grommet of flexible and resilient material around the connecting member/fixing element, since this would act as a cushion or padding around the connecting member/fixing element. Grommets are typically used in the building industry for the protection or reinforcement of an opening, therefore this would provide the connection site with increased protection from wear on the connection and the aperture. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Van der Lely's type of connection with Antoniou's since this would provide a simple and accessible connection for building modules. This type of connection could be utilized at almost any part of the module.

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Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Antoniou '666 in view of Ohnishi (US 5,755,063).

Antoniou teaches the structural elements for the modular building as stated except for the module is sectional. Ohnishi teaches modular building 10 having a plurality of sectional modules 12 (fig. 2). At the time of the invention, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Antoniou with Ohnishi for a building module having more than one sections. The motivation for doing so would have been able to make longer or shorter in length buildings.

### ***Response to Arguments***

Applicant's arguments filed 12/15/03 have been fully considered but they are not persuasive that including the stated allowable claims 35, 36, 48 and 23, 27, 32, 33, 45, 47 being withdrawn because of the new ground of rejections (see above). The examiner believes the prior art Antoniou ('666), van der Lely (327), and Ohnishi teach the structural elements, which met the applicant's claimed invention. Specifically, the Antoniou's reference teaches the open-end box configuration modules of building modules and service modules are connecting together, Van der Lely teaches the precise way of connections between modules, and Ohnishi teaches the sectional building.

### ***Conclusion***

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-

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1224, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (703) 308-0839. The fax number for the organization where this application or proceeding assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

1113.

CW

CQN

3/5/04



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600